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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,415	10/10/2003	Ronny Levy	081627-0305364	9611
909	7590	01/11/2005	EXAMINER	
PILLSBURY WINTHROP, LLP			ROWAN, KURT C	
P.O. BOX 10500			ART UNIT	
MCLEAN, VA 22102			PAPER NUMBER	

3643

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/682,415

Applicant(s)

LEVY, RONNY

Examiner

Kurt Rowan

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on Oct. 29, 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10-10-2003  
3-18-2004
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12, 14-17, 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campaniony in view of Bruce.

The patents to Campaniony and Bruce show fishing tackle storage compartments. The patent to Campaniony shows a fishing tackle container 90 having an interior storage space and upstanding walls with a leader holding structure 64. Campaniony shows at least one hanger 10 for storing fishing leader formed as an elongate member having at least two flexible support members 20, 20 as shown in Fig. 4. Campaniony shows a plurality of integral leader support members 30, 32, 34 on the leader hanger 10. The leader hanger is supported in the container by the leader holding structure. Campaniony does not show slots in the upstanding side walls of the container for storing the leader hanger. Campaniony shows magnets 64 in the inside surface 94 of the top 91. Bruce shows slots 82 in the upstanding side walls of container 70 at fixed spaced longitudinal locations as shown in Fig. 4. In reference to claims 1, 15, 24, it would have been obvious to provide Campaniony with slots in the side walls as shown by Bruce since merely one set of attachment means is being substituted for another and the function is the same. It would further be obvious to substitute panel 14 of Bruce for leader holder

Art Unit: 3643

10 of Campaniony since merely one equivalent board is being exchanged for another and the function is the same, namely to hold fishing tackle. Bruce discloses plastic in column 5, line 3. In reference to claim 2, Campaniony shows one leader hanger, but it would have been obvious to employ a plurality of leader hangers for multiplied effect. See *In re Harza*, 124 USPQ 378. In reference to claim 3, Campaniony shows support members 34 having a pair of arcuate edges formed thereon as shown in Fig. 2. In reference to claim 5, Campaniony does not disclose that the leader hanger is made from molded plastic, but it would have been obvious to construct the leader hanger from molded plastic for ease of manufacturing, lightweight, and corrosion resistance. See *In re Leshin*, 125 USPQ 416. In reference to claim 6, Bruce shows the tackle board or leader hanger having ends that are retained in slots 64 as shown in fig. 1. In reference to claim 7, Campaniony shows a cover or storage tray 91 that has a plurality of upstanding walls. In reference to claim 8, the storage tray is pivotally mounted to the container. In reference to claim 9, Campaniony shows a cover 91. In reference to claims 10, 22, inherently, the partition walls 40 of Bruce are removable. In reference to claims 11-12, 16-17, Bruce shows the walls 40 having slots 32 with the tackle carrier or leader hangers hang in parallel between the partition walls. In reference to claim 14, Campaniony shows the leader hanger having opposed ends and longitudinally extending slots 40 with the area between each screw 48 taken to be a slot. In reference to claim 21, Campaniony shows a storage tray or cover 91 pivotally retained in the container with the leader hanger retained in the storage tray as shown in Fig.1. In

reference to claim 23, Bruce shows each partition 40 having a top 86 with a slot 82 and elongate member 14 has opposed ends that are retained in the slots.

3. Claims 4 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campaniony in view of Bruce as applied to claim 1 above, and further in view of Borell.

The patents to Campaniony and Bruce show fishing tackle and leader holders as discussed above, but do not show the elongated member being flexible such that the distance between the support members can be varied by flexing the elongated member. The elongated member of Campaniony inherently has some flexibility but uses other means to attach leaders to the member. At any rate, Borell shows a leader holder having an elongated member 12 that is flexible as shown in Figs. 1-2. In reference to claims 4, 18 and 20, it would have been obvious to provide the tackle box and leader holder of Campaniony as modified by Bruce with a flexible leader holder as shown by Borell since merely one equivalent leader holder is being substituted for another and the function is the same. In reference to claim 19, Borell shows each support member having an arcuate recess 24.

4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Campaniony in view of Bruce as applied to claim 1 above, and further in view of Richards.

The patents to Campaniony and Bruce show fishing tackle and leader holders as discussed above and do not show the leader hanger having an arm extending from

Art Unit: 3643

each end and forming a finger that hooks to the slots in the container. Bruce shows ends of the leader hanger extending into the slots. The patent to Richards shows a fishing tackle and leader holder in Fig. 1 having an arm forming a finger 48 extending from each end of the leader hanger 40 that hooks into slots 50 in the container. In reference to claim 13, it would have been obvious to provide the storage assembly of Campaniony as modified by Bruce with arms forming fingers to hook into slots as shown by Richards since merely one mechanically equivalent mounting system is being substituted for another and the function is the same.

### ***Response to Arguments***

5. Applicant's arguments filed Oct. 29, 2004 have been fully considered but they are not persuasive. Applicant's request for PTO 1449 has been noted and initialed copies are included in this Office Action. Applicant's arguments with respect to claim 15 have been considered but are moot in view of the new ground(s) of rejection. In response to applicant's arguments against the references individually such as claim 1, claims 4 and 18-20, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The combination as applied to claim 1 does not contemplate employing the fishing lure hanger of Bruce. Campaniony shows a leader hanger with integral leader support members as discussed above. Bruce is cited to show the slots in the sidewall of the tackle box which can be considered to be integral. In response to applicant's argument that there is no suggestion to combine the references, the examiner

Art Unit: 3643

recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation is in the knowledge generally available to one of ordinary skill in the art. In reference to claims 10 and 22, it should be pointed out that the partition walls of Bruce are inherently removable. The suggestion to employ flexible leader holders is that they can be removed from the tackle box by bending to shorten them and also, bent to insert them and when released the friction between the leader holder and the slotted walls would be higher which would tend to retain them in the holders until a user desires to remove a leader holder. As to claim 13, Richard is not cited to show fingers on an arm of a leader holder, but fingers that would have been obvious to mount on the leader holder of Campaniony as modified by Bruce to hold the leader holder in a tackle box.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kurt Rowan whose telephone number is 703 308-2321. The examiner can normally be reached on Monday-Thursday 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on 703 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Application/Control Number: 10/682,415

Art Unit: 3643

Page 8

A handwritten signature in black ink, reading "Kurt Rowan". The signature is stylized with a large, looped "K" and a long, sweeping underline that extends to the right.

Kurt Rowan  
Primary Examiner  
Art Unit 3643

KR